



16428

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer Application of: Etsuro OGATA et al

Application No. 104-2005-763,370

Filed: February 21, 2001

For: METHOD OF DIAGNOSING BONE METASTASIS...

Customer Service Window, Mail Stop Amendment

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a REPLY: AMENDMENT AND REMARKS in the above-identified application.

[ ] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.  
 [ ] No additional fee is required.  
 [xxx] The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT	(Col. 2) MINUS	(Col. 3) HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 19		** 20	0
INDEP.	* 3	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 25	\$	x 50	\$
x 100	\$	x 200	\$
+ 180	\$	+ 360	\$
ADDITIONAL FEE TOTAL		TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[xxx] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[ ] First - \$ 60.00  
 [ ] Second - \$ 225.00  
 [ ] Third - \$ 510.00  
 [ ] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[ ] First - \$ 120.00  
 [ ] Second - \$ 450.00  
 [xxx] Third - \$ 1020.00  
 [ ] Fourth - \$ 1590.00

Month After Time Period Set

[ ] Less fees (\$ \_\_\_\_\_) already paid for \_\_\_\_\_ month(s) extension of time on \_\_\_\_\_

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

[xxx] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$1,020.00.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. \_\_\_\_\_).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

By:   
 Sheridan Neimark  
 Registration No. 20,520



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OGATA=4

In re Application of:	)	Art Unit: 1642
	)	
Esturo OGATA et al	)	Examiner: A. Harris
	)	
Appln. No.: 09/763,370	)	Washington, D.C.
	)	
Date Filed: February 21, 2001	)	Confirmation No. 9907
	)	
For: METHOD OF DIAGNOSING	)	August 25, 2005
BONE METASTASIS...	)	

**REPLY: AMENDMENT AND REMARKS**

Customer Service Window, Mail Stop Amendment  
Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

Replying to the Official Action mailed February 25, 2005, petition for three months' extension of time and three months' late fee being attached hereto, please amend as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 10 of this paper.

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